

City of Lodi Board of Appeals: Variance Request

♦ 130 South Main Street ♦ Lodi, WI 53555 ♦ Phone (608) 592-3247 ♦ Fax (608) 592-3271 ♦

The City of Lodi Board of Appeals (BOA) meets as needed at Lodi City Hall to consider variance requests. It is governed by §340-113 of the City of Lodi ordinances. Variance requests are governed by § 340-114 (see the attached ordinance excerpt). A variance is the modification of zoning requirement(s) in response to unique circumstances or conditions on a parcel that were not created by the property owner. A hardship under existing zoning must be proven in order for a variance to be issued. A variance must be in harmony with the intent and purpose of the zoning ordinance and must not adversely affect surrounding properties. City staff will publish a public hearing notice in the Lodi Enterprise and notify all property owners within 200 feet of the subject property. The applicant must appear at the time and date set for the meeting to explain the need for the variance. Please allow 4-5 weeks for a hearing date to be set and the notice to be published and mailed. If you have any questions about Variance requirements, please contact Sarah Pittz, Zoning Administrator, at (608) 826-0532.

Owner Name(s):	
Applicant Name (if different than above):	
Property Address:	
Applicant Address (if different than above):	
Applicant Phone:	Applicant Email:
Property Zoning Designation:	Property Use:
Section(s) of Ordinance that Necessitates Variance Request:	

Provide plans that show the parcel in question, structures on the parcel (including proposed modifications to structures), dimensions of setbacks from the property line, locations of buildings on adjoining properties, a north arrow, and street names. Please attach a narrative that discusses:

1. The characteristics of your property (size, dimensions, slope, soil, etc.) that necessitate the variance request.
2. How the site conditions discussed in #1 prevent reasonable use of your land under the terms of the zoning ordinance.
3. What modification(s) to the zoning requirements will allow for reasonable use of your land (setbacks, area, lot coverage, off-street parking, etc.).
4. Why the granting of a variance will be in harmony with the neighborhood and not contrary to the intent and purpose of the zoning ordinance.

Applicant Signature: _____ **Date:** _____

Owner Signature: _____ **Date:** _____

For Staff Use Only	
Date Received:	
Public Hearing Date:	
Lodi Enterprise Public Hearing Publication Dates:	
Date Public Hearing Notices Mailed to Adjoining Property Owners:	
Fee Amount:	Paid?
Comments:	
Hearing Outcome: <input type="checkbox"/> Denied <input type="checkbox"/> Approved Subject to:	

§ 340-114. Variances.

A. Initiation. A request for variance shall be made to the Zoning Administrator on an official application form.

B. Findings required. No variance from the terms of this chapter shall be authorized unless all of the following facts and conditions exist:

- (1) Exceptional circumstances. There are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district.
- (2) Natural causes. The alleged difficulty or hardship has not resulted from the actions of the applicant.
- (3) Preservation of property rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity, including but not limited to the use of solar energy systems.
- (4) Absence of detriment. The authorizing of such variance will not be of substantial determinant to adjacent property and will not materially impair the purposes of this chapter or the public interest.
- (5) General nature. No variance shall be authorized unless the Board specifically finds that the condition, situation, or intended use of the subject property is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation to cover such cases.
- (6) Minimum variance required. The Board shall find that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. The Board shall be satisfied by the evidence heard before it that the granting of such variance will alleviate a hardship approaching confiscation as distinguished from a special privilege sought by the owner.

C. Subject to conditions. In granting any variance under the provisions of this section, the Zoning Board of Appeals shall designate such conditions that will secure substantially the objectives of the regulations or provisions in the application of which the variance is granted as to light, access to direct sunlight for solar energy systems, air, character of the neighborhood, conformity to the Comprehensive Plan, and, generally, the public health, safety, comfort, convenience, and general welfare.

D. Variances void after six months. If an applicant fails to act on a variance granted within six months of the date the variance was approved, the variance shall be null and void.